

### **Remarks/Arguments**

Reconsideration of this application is requested.

#### **Claim Status**

Claims 1-25 were previously presented and are canceled without prejudice.  
New claims 26-40 are added and are now pending.

#### **Claim Rejections – 35 USC 101**

Claim 25 is rejected under 35 USC 101 as directed to non-statutory subject matter. In particular, the Action asserts that claim 25 recites a computer program but does not define the program as being embodied on a computer-readable medium or memory.

As noted above, claim 25 is canceled without prejudice. However, applicant notes that new claim 40, which defines a computer program, recites a "...computer readable medium having a computer program recorded thereon, the computer program comprising a set of instructions...". Thus, new claim 40 is directed to statutory subject matter, and is in compliance with 35 USC 101.

#### **Claim Rejections – 35 USC 102**

Claims 1-25 are rejected under 35 USC 102(b) as anticipated by Ohnishi (US 2002/0197067). In response, claims 1-25 are canceled, without prejudice, and replaced by new claims 26-40 that clearly distinguish over Ohnishi.

New independent claims 26, 27 and 40 recite an electronic camera having a simultaneous photographing unit for recording moving image data and still image data in correlation with each other. When a still image photographed simultaneously with a moving image is recorded in a memory while the moving image data is being reproduced, a notice to that effect is given at a timing when a still image is photographed. The still image is reproduced and displayed only when a user gives an instruction to reproduce the still image upon confirmation of the notice.

According to this invention as recited in new claims 26-40, the user can easily determine from the notice whether a still image photographed simultaneously with

a moving image is available or not, and confirm the time when the still image was photographed, if the still image is available. Further, the user is able to reproduce the moving image continuously without interruption by reproduction of the still image or instructions for manipulation, and is yet able to reproduce the still image according to need. Thus, the camera of the present invention is greatly improved in user-friendliness.

Ohnishi discloses a technique in which, when a still image photographing operation is performed during a moving image photographing operation and a still image and a moving image associated with each other and recorded in a memory are reproduced, it is judged whether an image photographed and recorded simultaneously with the reproduced still image has been found, and when it is determined that such image has been found, a notice to that effect is given. Ohnishi also describes that, when a still image is reproduced, a notice is given to inform, that a moving image is available, and when a moving image is reproduced, a notice is given to inform that a still image is available.

While Ohnishi gives notice that related still image data is available with moving image data displayed, or vice-versa, Ohnishi does not disclose providing notice that still image data corresponding to the moving image data is available, when a reproducing position has reached a predetermined position corresponding to a timing indicated by the timing information while moving image data is being reproduced, as is recited in independent claims 26, 27 and 40. Moreover, Ohnishi does not disclose starting a stand-by operation for waiting for the user's instruction at this timing, as is also recited in independent claims 26, 27 and 40.

These features are performed by the stand-by operation starting unit recited in claims 26, 27 and 40. In addition, claims 26, 27 and 40 recite a stand-by operation performing unit for performing the stand-by operation started by the stand-by operation starting unit in parallel with reproduction of moving image data. As Ohnishi does not disclose starting the stand-by operation, it certainly does not disclose performing it in parallel with the reproduction of moving image data.

Claims 26, 27 and 40 further recite a still-image reproduction control unit for reproducing still image data associated with moving image data when the user gives instructions during the stand-by operation, and for not reproducing the still image data when the user does not give instructions during the stand-by operation. As Ohnishi does not even disclose the stand-by operation starting or performing units, it cannot disclosing controlling to take or not take actions based on the operations of those units. In this regard, claims 27 and 40 further recite a stand-by operation ceasing unit that controls the stand-by operation starting and performing unit to cease displaying notice and performing the stand-by operation when a user has not given instructions within a predetermined period.

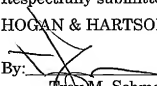
Thus, Ohnishi fails to disclose multiple, advantageous features of claims 26, 27 and 40. Since Ohnishi fails to disclose each and every feature or claims 26, 27 and 40, it cannot anticipate those claims or claims 28-39 dependent thereon. Applicant therefore submits that claims 26-40 distinguish and are allowable over Ohnishi and all other references of record.

### Conclusion

This application is now in condition for allowance. The Examiner is urged to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
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